

right now Senator CRUZ is holding up these nominees for reasons that are completely outside of the qualifications of the nominees. I can say this is not the way we should be conducting world business.

I am focusing today on Norway. I will focus on Sweden in the future as I continue to give these speeches. I don't think we can take these countries lightly just because it is cold there and darker in the winter. These are incredibly important allies and trading partners. They deserve to be treated like other European nations. They deserve to have an ambassador from the United States of America.

It is time to end this delay and do the work the Senate is supposed to do. Let's move ahead and work to confirm these qualified nominees to represent us abroad. One is a country in Europe that just bought 22 fighter planes from Lockheed Martin. If they had bought 22 fighter planes from the Presiding Officer's State, I believe the Presiding Officer would have looked at the fact that if it is a noncontroversial nominee to a country that invests in the United States of America, that is an ambassador we need to get confirmed, and we would get this done.

I ask my colleagues to work with Senator CRUZ. The hope is that given that we have seen no other opposition of any significance to these two nominees, we will be able to get this done. He has said to me personally that this is not about the qualifications of the nominees, it is simply other issues that I hope he can resolve within the Republican caucus and with us so we can move forward and so they are not held up any longer. Norway and Sweden deserve Ambassadors.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. BOOZMAN). Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Luis Felipe Restrepo, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise to speak on the upcoming confirmation vote of Judge Luis Felipe Restrepo to serve on the U.S. Court of Appeals for the Third Circuit.

I wish to thank Chairman GRASSLEY and Ranking Member LEAHY for moving Judge Restrepo's nomination through their committee.

I also thank Leader MCCONNELL for scheduling this confirmation vote, which will take place in short order.

I also wish to thank my colleague Senator CASEY. Senator CASEY and I have been working very closely for 5 years now, since I joined the Senate, working to fill the vacancies that occur on the Federal bench across the Commonwealth of Pennsylvania that we represent. With Judge Restrepo's confirmation tonight, which I am hopeful and confident will occur, Senator CASEY and I will have been able to play a role in filling 16 vacancies on the Federal bench, including 14 district court vacancies that have occurred since the time I arrived in Senate and two Third Circuit court vacancies. There are only two States in the Union that have had more vacancies filled in the last 5 years, and those two States are California and New York. They are very large States, of course, and have a large number of vacancies.

Again, I thank Senator CASEY for the very constructive working relationship we have developed to make sure that the people of Pennsylvania are able to access justice in a sensible and efficient fashion. Because we have worked closely together, not only have we filled these vacancies, but we have filled courthouses—Federal courthouses meant to house Federal judges—that have been vacant for years. As a result, Reading, PA, now has a Federal judge serving in that courthouse. People in the surrounding area of Williamsport, PA, had to drive great distances to get to a Federal court, and now there is a judge serving in Williamsport. Easton, PA—likewise, the people in North Hampton County who had to drive all the way to Philadelphia to have a case dealt with can now do that in Easton. I think, and I hope, we are close to filling an empty courthouse in Erie, PA. Erie is kind of by itself out there in the northwest corner of our great State, and there ought to be Federal judge in the Erie courthouse. We are well in the process of making sure that there will be, and I am sure it will come to a close soon.

Back to Judge Restrepo. The fact is Judge Restrepo is very well qualified to serve on the Third Circuit. He has served as a Federal district court judge for the Eastern District of Pennsylvania since June of 2013. I was very pleased, along with Senator CASEY, to have recommended Judge Restrepo to the White House for that post and to have supported his confirmation to the district court.

In 2013, Judge Restrepo was confirmed unanimously on the Senate floor. I would love to see that occur again this evening with respect to his confirmation to the circuit court. Prior to his appointment as a district court judge, Judge Restrepo served for 7 years as a Federal magistrate judge for the Eastern District of Pennsylvania, and for 13 years prior to that, Judge Restrepo was a partner in the law firm of Krasner and Restrepo, handling criminal defense cases. Before that, he worked at the public defenders' office at the Federal and State levels.

In many ways, Judge Restrepo's life story is a classic American dream story. He was born in Medellin, Colombia, and became a U.S. citizen in 1993. He has devoted a great deal of his time and energy and considerable intellect to serving his community. He served on the board of the Make-a-Wish Foundation for Philadelphia and Susquehanna Valley. This is a foundation that grants wishes to children who have life-threatening illnesses. Judge Restrepo also gave his time to the Russell Byers Charter School in Philadelphia.

I am very confident that Judge Restrepo has the judicial experience, legal acumen, intellect, integrity, and dedication to public service to do the job that we expect him to do on the Third Circuit Court of Appeals. The Senate Judiciary Committee apparently shares my confidence, having passed his nomination out of committee with a voice vote.

I am pleased to speak on behalf of this highly qualified nominee, and I urge all of my colleagues to support his confirmation.

TRIBUTE TO OFFICER JESSE HARTNETT

Mr. President, I wish to briefly address one other item this evening before I yield the floor. I want to speak about the appalling shooting that occurred in Philadelphia just last Thursday evening when a shooter attempted to assassinate a police officer in the name of ISIS on the streets of Philadelphia. The shooter wasn't counting on the amazing bravery of Philadelphia Police Officer Jesse Hartnett.

It was late, about 11:30 at night on Thursday, and apparently a man waved down Jesse Hartnett as he was driving along in his police cruiser. Officer Hartnett stopped the cruiser. The man walked over as if to ask for directions, and instead, out of the blue, he started firing shots at pointblank range into the driver's side window at Officer Hartnett. He kept walking up to the car. As he walked, he kept shooting. At one point he actually had his arm, with the gun, inside the window of the car and was still shooting. In total, the shooter fired 13 shots.

Cameras that happened to be in that area captured the incident. It is absolutely amazing that Officer Hartnett managed to survive. It is amazing. But he didn't just survive. He jumped out of his patrol car. He had been hit three times and was very seriously injured. His arm was bleeding profusely. He got out of his car and chased down the shooter. He shot and wounded the would-be killer, and because of his heroic action while literally under fire, the shooter was apprehended.

This is an amazing example of true grit, and the people of Pennsylvania couldn't be more proud of Officer Hartnett. Our prayers are certainly with Officer Hartnett and his family. He has a very difficult recovery ahead of him. He has already had one surgery. My understanding is that he has undergone a second surgery today, or is in the process of undergoing that surgery. The

doctors are trying to save his arm, which was badly injured.

I want to be clear about this. What happened that Thursday night was an act of terrorism. It was an act of terrorism inspired by violent Islamic extremism. The shooter reportedly declared that he had pledged his allegiance to the Islamic State. He said that he was targeting police officers because he believes that the police are defending and enforcing laws that are contrary to the Koran, and the shooter himself said that he acted in the name of Islam and the Islamic State.

We don't know for sure yet whether the shooter has direct personal ties to ISIS abroad, but the FBI has reported that the shooter traveled to Saudi Arabia in 2011 and then went to Egypt for several months in 2012. Regardless of what he was doing over there or what his purpose was, we should make no mistake; this was an act of terrorism just as the shootings at Fort Hood and San Bernardino were.

Let me be abundantly clear. I think everyone obviously knows that this cop killer—this would-be cop killer—doesn't represent all Muslims. No one would suggest that, but he does represent a terrible strain of violent Islamic extremism, a strain that has amassed millions of dollars, has followers all around the planet, and is, in fact, at war with America.

ISIS and the violent Islamic extremists that are followers of ISIS pose a very serious threat to America. We have seen this repeatedly now, including in my home State of Pennsylvania in the City of Philadelphia. We are very fortunate. We have incredibly courageous law enforcement officers, such as Officer Hartnett, protecting us, but we shouldn't in any way diminish the magnitude and gravity of this threat.

I commend Officer Jesse Hartnett for his bravery. To Officer Hartnett and his family, please know that the people of Pennsylvania are behind you, thinking of you, and praying for a full and speedy recovery.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise to offer some remarks about the vote we are going to cast on Judge Restrepo, which Senator TOOMEY spoke to earlier, and I thank him for his work on this nomination.

We are finally at the point where we are voting, and we are grateful for that opportunity. Senator TOOMEY has noted and I know others are aware of Judge Restrepo's qualifications. I will highlight a few, some of it by way of reiteration.

I will start with the story itself. This is a great American story. An individual came to this country from Colombia and, through hard work and the

benefit of a great education, has risen to the point of being a member of the U.S. District Court for the Eastern District of Pennsylvania. Upon a positive confirmation vote, he will be a member of the Court of Appeals for the Third Circuit, the second highest Federal court in the land, just below the Supreme Court.

Judge Restrepo is a 1986 graduate of Tulane University Law School. He graduated from the University of Pennsylvania in 1981 with a degree in economics and international relations. As I said, he has served as a member of the U.S. district court in Philadelphia, which pretty much covers the eastern half of our State. We have a Middle District and a Western District. He is a judge in one of the three districts. He started there in June of 2013, so his nomination to the appeals court was a rapid rise in the Federal judiciary. Before being on the district court, he served as a U.S. magistrate judge from June of 2006 until his appointment to the U.S. district court.

I believe all of the other information is already in the RECORD, but I want to reiterate what I said before and what I know Senator TOOMEY has said. This nominee is qualified by way of experience, intellect, and education, but maybe the most important thing is by way of integrity. He is someone who has the character to serve on the appellate court after serving with distinction on the U.S. district court.

With that, I yield the floor.

Mr. BOOKER. Mr. President, today I wish to support the nomination of Judge Luis F. Restrepo, the President's nominee for appointment on the U.S. Court of Appeals for the Third Circuit.

Filling a vacancy on the third circuit is important to New Jerseyans. Because only a handful of cases each year reach the Supreme Court, circuit courts often have the final word in the vast majority of Federal cases. That means, for most of my constituents who bring cases in Federal courts, the buck stops with the third circuit.

The third circuit currently has two judicial vacancies. The vacant seat that President nominated Judge Restrepo to fill has been declared a judicial emergency. That means it has a very heavy caseload. In fact the third circuit has more than 900 weighted filings per judgeship. Filling a vacancy on that important Federal appellate court will lower the caseload burden and ensure access to justice for more Americans.

Judge Restrepo is a well-qualified individual. There is no question about that. He has over 10 years of experience on the Federal bench. In fact the Senate unanimously confirmed him to serve as a Federal district judge for the Eastern District of Pennsylvania. Prior to that, he served as a Federal magistrate judge. As a member of the Federal bench, he has presided over 56 trials that have gone to verdict or judgement.

He has a wealth of experience in both public service and private practice. He

was a founding member of a Philadelphia law firm, where he practiced both criminal defense and civil rights litigation. He served as an assistant Federal defender with the Community Federal Defender for the Eastern District of Pennsylvania and an assistant defender for the Defender Association of Philadelphia. He has relevant experience in both criminal and civil law, which will serve him well as a Federal appellate judge.

Judge Restrepo has excellent legal credentials. He earned his undergraduate degree from the University of Pennsylvania and his law degree from Tulane University Law School.

The work of a Federal appellate judge can often be academic as the job requires a judge to address legal issues of first impression. Judge Restrepo has more than two decades of teaching experience at both the University of Pennsylvania Law School and Temple University James E. Beasley School of Law. He also taught with the National Institute for Trial Advocacy. In addition, he has written numerous articles appearing in a variety of national legal publications.

He has dedicated his time to public service and to bettering his community. He is the former president of the Hispanic Bar Association of Pennsylvania. He served on the board of directors for the Defender Association of Philadelphia and the Make-A-Wish Foundation of Philadelphia and Susquehanna Valley. As a Federal judge, he has also participated in a reentry program to assist people recently released from federal custody to reenter the community and become productive citizens.

I believe he has a wealth of relevant experience and a strong legal background. Other Senators share my confidence in Judge Restrepo. He has the bipartisan support from both Pennsylvania Senators and was voted out of the Judiciary Committee by a unanimous voice vote.

Judge Restrepo's confirmation is also historic. He will be the first Latino judge from Pennsylvania to serve on the third circuit and only the second Latino to sit on that court. He also has the strong endorsement of the Hispanic National Bar Association. According to that distinguished organization, Judge Restrepo's "integrity, knowledge of the law, breadth of professional experience, and intellectual capacity make him well suited to sit as a federal appellate judge." I could not agree more.

I urge my colleagues to confirm Judge Restrepo to the third circuit today.

Thank you.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I ask unanimous consent that I may be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I also ask unanimous consent that I be able

to display on the Senate floor these two vials of liquid nicotine to tell what just passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIQUID NICOTINE

Mr. NELSON. Mr. President, in the Senate last year we passed the childproofing of caps on liquid nicotine. That legislation just passed today in the House and will go to the President for signature. This is important because we found that these bottles of liquid nicotine for these e-cigarettes, or electronic cigarettes, have not been childproofed. Therefore, if a child gets one of these bottles and it does not have the cap that they can't get off, we now know the experience from several poison centers across the country in the last couple of years. If a drop of that liquid nicotine gets onto the child's skin or, as infants typically do, they put things in their mouth and they ingest that liquid nicotine, indeed it is fatal.

We have had a couple of fatalities in this country. Therefore, it was common sense for us to require—and thankfully, the liquid nicotine industry went along and did not object—to make these childproof. But that will now be in the law. Let me point out something. This is aside from the question of whether you should be inhaling this stuff in an e-cigarette. I think people are finding out that this is becoming quite dangerous as well. But aside from that issue, this was the issue of protecting children.

Look at this. It has pictures of fruit all over the label, and it is called "Juicy ejuice." It is something that is going to attract an infant's or a child's attention. It is the same thing over here. It has pictures of all kinds of happy things. I have seen others that have labels of juicy fruit. I have seen others that have multicolored labels that are very attractive. Common sense tells us if you are putting a product out that can kill children—just like some of the soaps that are put out for washing detergent in these little plastic bags that disintegrate when they get into water in your dishwasher or in your washing machine, and it smells so good, and they are grape scents—a child smells that and it feels so good and it is so soft. Where is it going to end up in an infant? They are going to put it in their mouth. We have had some deaths there. But that is another battle for another day. At least we have won one little battle.

I am happy to report to the Senate that what we passed in the Senate in a bipartisan manner last year now passed the House today and will go to the President to be signed into law.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANS-PACIFIC PARTNERSHIP

Mr. BROWN. Mr. President, I came from an informal hearing—not an official Senate hearing but a hearing downstairs called by Congressman LEVIN, who is the senior Democrat on the Ways and Means Committee. A number of other Members were there, including my colleague from Ohio, Representative KAPTUR, and a number of people the Presiding Officer served with in the House—Congressmen SARBANES, RANGEL, PASCRELL, DOGGETT, and SCHIFF. We discussed the Trans-Pacific Partnership.

I spoke earlier on this today. I know Senator MCCONNELL has said that he will not bring it up this year, I think in large part because of the opposition from the country. Senator Lott, the Republican leader, a decade or so ago said that you can't pass a trade agreement in an even-numbered year. He was a strong supporter of these trade agreements. I believe he and most in his party supported NAFTA and CAFTA. He wasn't here for CAFTA but he was for some of those other trade agreements. But he said that because he knows that politicians want to vote for these trade agreements in large part because of corporate lobbying. But the public doesn't want us to vote for these trade agreements.

My first year in Congress, I spent much of the year working in opposition to the North American Free Trade Agreement. I have seen a number of these: NAFTA, PNTR with China, CAFTA, the trade agreement with Korea, big promises about jobs, big claims about jobs, and exaggerated commitments about jobs. Every time we lose jobs from these trade agreements. Our trade deficit is up to a couple billion dollars a day now. But if you buy a billion dollars of products from another country rather than making them yourselves here, rather than American companies making them, we know that costs us jobs. When you think it is \$2 billion—almost \$2 billion every single day, well over a billion, but the numbers are not precise—in trade deficit, where we buy from other countries more than we export and sell to other countries, we know it is costing us jobs.

One of the other things that came out of this discussion with a number of Ways and Means Committee members, small business, a former trade negotiator, and a union representative there was how we have seen increasingly companies in Little Rock, in Dayton or in Toledo shut down production here and move it overseas and then sell those products back into the United States.

The auto industry has not done much of that. When the auto industry sets up in Asia and are manufacturing cars, they typically sell them in that part of the world. Unfortunately, GM just announced that they are going to be making an SUV plant in China and selling

those products back into the United States. That is a terrible trend.

The reason I stopped on the floor before the vote in a couple of minutes is to say this: The Trans-Pacific Partnership has set us up in way that will make that worse. Under NAFTA, Canada, the United States, and Mexico—I strongly oppose NAFTA. But under that trade agreement, products in automobiles—almost two-thirds of all of the components in an automobile—had to be made in one of these three countries in order to get the tariff benefits from NAFTA for those companies, those products. Now there are 12 countries in the Trans-Pacific Partnership and fewer than half the components have to be made in one of these 12 countries.

What does that mean? It means that more than half of an automobile can come from parts made in China but sold in the United States tariff-free under the Trans-Pacific Partnership. How can we possibly think that makes sense as a policy? That is fundamentally why the Trans-Pacific Partnership does not make sense for our country. It doesn't make sense for small businesses in Mansfield, OH, or in Springfield, OH, and it doesn't make sense for the up to 600,000 workers in my State—some 600,000 workers who are in the auto supply chain. We know a lot of them will lose jobs under the Trans-Pacific Partnership.

I yield the rest of my time to Senator LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Ohio.

We are finally going to vote on the long overdue confirmation of Judge Luis Felipe Restrepo to fill a judicial emergency vacancy on the U.S. Court of Appeals for the third circuit in Pennsylvania. He was nominated way over a year ago—nearly 14 months ago—with strong bipartisan support from home State Senators. This is a case where, unfortunately, the Republican leadership has subjected Judge Restrepo to totally unnecessary delay as part of their wholesale obstruction of judicial nominees. Their actions hurt not only the people of Pennsylvania, but also Americans across the country as judicial vacancies have remained unfilled nationwide after Republicans took over the Senate majority last year.

I hope that today's vote and the agreement to vote on four district court nominees this work period signals a return to the Senate fulfilling its constitutional duty of providing advice and consent on the President's nominees. In all of 2015, Senate Republicans allowed votes on only 11 judicial nominations. This matched the record for confirming the fewest number of judicial nominees in more than half a century. I mention that because Democrats took the majority in the last 2 years of President Bush's term. We confirmed 40 judges during that year—

40. I was chairman. I remember that very well. I didn't want to repeat the things that we saw during the Clinton administration, where the Republicans came in and the then-Republican chairman of the Senate Judiciary Committee killed over 60 nominees of the Clinton administration by not allowing them to have a vote in committee. I said: Let's move faster. I moved 40 through. Did the Republicans do the same? No, they allowed 11.

Republicans also left town at the end of last year with 19 judicial nominees still pending on the floor, including Judge Restrepo. Each of the nominees has the support of their home state Senators and their nominations were reported out of the Judiciary Committee by voice vote. These are the kind of noncontroversial judicial nominees that the Senate has traditionally confirmed at the end of a session. During the Obama administration, however, Republicans have rejected this practice.

Judge Restrepo exemplifies the kind of consensus nominee that should have been easily confirmed at the end of the session. He is nominated to fill an emergency vacancy on the Third Circuit Court of Appeals, which has two vacant judgeships in Pennsylvania. He has the strong bipartisan support of his home state Senators, Senator CASEY and Senator TOOMEY. In fact, Senator TOOMEY has said he personally recommended Judge Restrepo to the President for the nomination. In 2013, this body confirmed Judge Restrepo's nomination to the Federal district court by voice vote. I have heard no objection from any Senator to Judge Restrepo's nomination. I cannot believe this man who will be the first Hispanic judge from Pennsylvania for the third circuit was humiliated by having to wait 14 months. This highly qualified Hispanic judge was told to go to the back of the line and wait 14 months. It is wrong. It is absolutely wrong.

I will vote to confirm Judge Restrepo. Since 2013, he has served as a judge on the U.S. District Court for the Eastern District of Pennsylvania. For the seven years prior, he served as a Federal magistrate judge on the same court. Before joining the bench, Judge Restrepo was in private practice as a named partner at Krasner & Restrepo. He began his legal career serving as a public defender as an Assistant Defender for the Defender Association of Philadelphia before becoming an Assistant Federal Defender for the Federal Community Defender Office for the Eastern District of Pennsylvania. He was voted out of the Judiciary Committee by unanimous voice vote on July 9, 2015. His nomination has the full support of the Hispanic National Bar Association. I ask unanimous consent to have printed in the RECORD a copy of the Hispanic National Bar Association's letter in support of Judge Restrepo at the conclusion of my remarks.

Republicans' obstruction of highly qualified judicial nominees with strong support, like Judge Restrepo, has resulted in a sharp rise in judicial vacancies. When Senate Republicans took over the majority in January of last year, there were 43 judicial vacancies. After a year of Republicans neglecting judicial confirmations, vacancies have dramatically increased to 72—an increase of more than 60 percent. Furthermore, the number of judicial vacancies deemed to be “emergencies” by the Administrative Office of the U.S. Courts because caseloads in those courts are unmanageably high has nearly tripled under Republican Senate leadership—from 12 when Republicans took over last year to 33 today. In his annual year-end report, even Chief Justice Roberts drew our attention to the “crushing dockets” and heavy caseloads that strain the Federal judiciary and prevent Americans from obtaining timely justice in our courts.

The high number of vacancies is entirely of the Senate Republican leadership's making, and Senate action is required to resolve it. The first step is to confirm the rest of the 18 judicial nominees pending right now on the floor. Under a bipartisan agreement reached at the end of last year, the Majority Leader will schedule confirmation votes on four district court nominees between now and the President's Day recess. After we vote on those nominees, we will still have nominees from Tennessee, Maryland, New Jersey, Nebraska, New York, and California pending on the floor, nearly all of whom would fill emergency vacancies. Votes on these nominees must be scheduled without further delay.

Let's start facing up to fact that we have enormous problems with judiciary emergencies in States where both Republicans and Democrats have supported the nominees. Let them come forward. Let them be voted on. Let's stop making the Federal courts a political pawn. It is bad enough with all the political shenanigans going on in this country anyway in an election year. Don't do them with the Federal court system. We have the best, the most honest, the least partisan Federal court system anywhere in the world. But don't say: Oh, you are a highly qualified Hispanic nominee, but you just wait there for 14 months, be humiliated, and then we will finally allow a vote. I don't care whether someone is Hispanic or non-Hispanic; we have so many men and women who are highly qualified.

In addition to the nominees pending on the floor, there are also four Pennsylvania district court nominees that the Senate Judiciary Committee is poised to report out this month. I sincerely hope the junior Senator from Pennsylvania can convince the Republican Majority Leader not to submit these additional Pennsylvania nominees to the extensive confirmation delay that Judge Restrepo endured. The people of Pennsylvania have wait-

ed long enough. I also understand that the White House has been working for months with Senator TOOMEY and Senator CASEY on the second Pennsylvania vacancy on the third circuit. I look forward to the Judiciary Committee considering that nomination soon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 31, 2015.

Re Hispanic National Bar Association Endorsement of Nomination of The Honorable Luis Felipe Restrepo to the United States Court of Appeals for the Third Circuit.

Hon. CHUCK GRASSLEY,
U.S. Senate,
Washington, DC.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER LEAHY: On behalf of the Hispanic National Bar Association (“HNBA”), we write to recommend the confirmation of the Honorable Luis Felipe Restrepo to the United States Court of Appeals for the Third Circuit. As explained below, we believe that Judge Restrepo has all the requisite qualifications to serve in this role and will serve the Court and the parties that come before it with distinction and integrity.

The HNBA is a non-profit, non-partisan national membership association that represents the interests of Hispanic attorneys, judges, law professors, law students, and legal professionals in the United States and Puerto Rico. One of the HNBA's many institutional objectives is to advocate and work to ensure that the federal and state courts in our nation are diverse and reflect the citizenry that come before our courts daily.

Judge Restrepo sought the HNBA's endorsement shortly after President Obama nominated him to the United States Court of Appeals for the Third Circuit. The HNBA conducted a thorough due diligence process that included interviews of personal and professional references (including judges and attorneys), a review of his scholarly writings and legal opinions, and a thorough Internet search. We also have considered his background and qualifications in the context of the requirements of the position for which he was nominated, as well as the requirements of the HNBA's Policies and Procedures Governing Judicial Endorsements. After a careful review, it is clear that Judge Restrepo possesses the professional expertise, experience, personal integrity and judicial temperament to distinguish himself as a federal appellate judge. Accordingly, we urge you to confirm his nomination to the United States Court of Appeals for the Third Circuit.

Prior to being sworn in as a District Judge for the Eastern District of Pennsylvania in 2013 and his appointment as a Magistrate Judge in 2006, Judge Restrepo was a highly-regarded Philadelphia attorney and founding member of the firm of Krasner & Restrepo, concentrating on criminal defense and civil rights litigation. Before forming his law firm, he served as an assistant federal defender with the Community Federal Defender for the Eastern District of Pennsylvania, and an assistant defender for the Defender Association of Philadelphia. He is an adjunct professor at Temple University James E. Beasley School of Law, was an adjunct professor at the University of Pennsylvania Law School from 1997-2009 where he was appointed the Irving R. Segal Lecturer in advocacy, and has taught with the National Institute for Trial Advocacy in regional and national programs since 1991. He

has been a lecturer at seminars sponsored by a number of agencies and organizations and has written numerous articles appearing in a variety of national publications. Throughout his career, Judge Restrepo has stood out as an exceptional role model for community involvement and civic participation. He has devoted his time and expertise to a variety of boards and commissions as well as the Eastern District prisoner reentry program.

The HNBA's due diligence process has confirmed that Judge Restrepo's integrity, knowledge of the law, breadth of professional experience, and intellectual capacity make him well suited to sit as a federal appellate judge. Accordingly, it is with great pride that we have the privilege of endorsing the Honorable Luis Felipe Restrepo and recommending his confirmation to serve as a Judge on the United States Court of Appeals for the Third Circuit. Please do not hesitate to contact us at the HNBA National Office at (202) 223-4777, or you may contact Cynthia D. Mares directly at (720) 314-1295 or by e-mail at president@hnba.com, if we can be of any further assistance.

Thank you for your consideration.

Sincerely,

CYNTHIA D. MARES,
HNBA National President.
ROBERT RABEN,

Chair, HNBA Judiciary Committee.

Mr. LEAHY. Mr. President, I know the time for the vote is upon us.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. I yield back all time, and I yield the floor.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Luis Felipe Restrepo, of Pennsylvania, to be United States Circuit Judge for the Third Circuit?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY), the Senator from Indiana (Mr. COATS), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), the Senator from South Carolina (Mr. SCOTT), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Vermont (Mr. SANDERS), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 6, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—82

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Baldwin	Gardner	Nelson
Barrasso	Gillibrand	Paul
Bennet	Grassley	Perdue
Blumenthal	Hatch	Peters
Booker	Heinrich	Portman
Boozman	Heitkamp	Reed
Boxer	Heller	Reid
Brown	Hirono	Roberts
Burr	Hoeven	Rounds
Cantwell	Johnson	Sasse
Capito	Kaine	Schatz
Cardin	King	Schumer
Carper	Kirk	Shaheen
Casey	Klobuchar	Sullivan
Cochran	Lankford	Tester
Collins	Leahy	Thune
Coons	Manchin	Tillis
Corker	Markey	Toomey
Cornyn	McCain	Udall
Cotton	McCaskill	Warner
Daines	McConnell	Warren
Donnelly	Menendez	Whitehouse
Durbin	Merkley	Wicker
Enzi	Mikulski	Wyden
Ernst	Moran	
Feinstein	Murkowski	

NAYS—6

Blunt	Lee	Sessions
Inhofe	Risch	Shelby

NOT VOTING—12

Cassidy	Franken	Sanders
Coats	Graham	Scott
Crapo	Isakson	Stabenow
Cruz	Rubio	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative action.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Happy new year. Nothing says "Happy new year" like the "Time to Wake Up" speech, so I will kick off 2016 with my year-opener "Time to Wake Up" speech recapping some of last year's climate change milestones.

They say you only get one chance to make a first impression, and the first impression Senate Republicans chose to make in 2015 was to use their first 3 weeks of floor time—3 full weeks of precious floor time—to help a foreign oil company's tar sands pipeline. Even though it meant the government condemning American farms, even though the President was sure to veto it, that was their opener.

By the end of the year, things had changed. The Republican leader was burying the votes against the Clean Power Plan deep in the news of the terrible Paris massacres and collapsing votes together to minimize floor time on this issue. The Republican majority

opened 2015 with a big oil bang but crept out of the year with a whimper.

Things indeed changed in 2015. Of course, the scientific evidence continued to show that fossil fuel pollution was damaging our environment and our oceans and our economy. And 2015 was record-setting hot. This chart from November shows that 2015 is on track to being the hottest year globally since we began keeping records in 1880. We can see that the 2015 running monthly global temperature average is above the 6 next warmest years on record in every month for which data is available.

The Director of NASA's Goddard Institute for Space Studies estimates the probability of 2015 being the hottest on record at better than 99 percent. He has labeled 2015 a "scorcher." But that won't be official until later this month. It is no fluke.

The World Meteorological Organization reports the recent 5-year period—2011 to 2015—as the warmest 5-year period on record, and 2015 was the first year where monthly global average carbon dioxide concentrations exceeded 400 parts per million, and it did so for more than 3 months. Bear in mind that for as long as human beings have been on this planet Earth, we have existed safely in a range of 170 to 300 parts per million. We are outside of that by almost the entire range, and we know this from ice cores which contain tiny bubbles of ancient atmospheres. I saw those ice cores last October at Ohio State University. World-renowned atmospheric scientists, the husband-and-wife team Dr. Ellen Mosley Thompson and Dr. Lonnie Thompson, worked for years to retrieve cores from around the world and to test the ancient air captured inside. The lesson of these cores is that humans have fundamentally altered the chemistry of the Earth's air and that our greenhouse gas emissions are rapidly altering our climate. Scientists now say that we have so altered the Earth as to consider ourselves in a new geologic epoch, the Anthropocene.

In 2015, the oceans kept shouting at us to wake up. Throughout 2015, evidence continued to document our oceans warming, rising, and acidifying. And 2015 brought the first nationwide study assessing the vulnerability of America's \$1 billion shellfish industry to ocean acidification, documenting the risk to 15 coastal States, such as Louisiana, Texas, Maine, and Rhode Island.

The Proceedings of the National Academy of Sciences in October reported on climate change's threats to fish integral to human diets, predicting a dramatic collapse in the world's largest ecosystem, our oceans. The great corrupt denial machine the fossil fuel industry supports never talks about oceans. The machine doesn't care about evidence; it is just an obstacle to their fossil fuel PR campaign. They just want to create phony doubt. But since there is not much room for doubt